

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF JUDGE PRO       )  
TEMPORE COVERAGE FOR THE       )  
MARICOPA COUNTY TRIAL COURTS   )  
\_\_\_\_\_)

ADMINISTRATIVE ORDER  
No. 2004-061

To better manage court calendars, provide for judicial coverage and decrease any alleged appearance of a conflict of interest when a judicial officer schedules a pro tem in the Trial Courts in Maricopa County, the Trial Courts adopt the following policy regarding pro tem usage and scheduling. This policy supplements Superior Court Guidelines regarding Selection and Retention of Judges Pro Tem.

**Justice Courts Only:**

Justices of the Peace may chose in writing one of two options for managing pro tem time in their courts:

- 1. PRO TEM HOURS (option 1).** Each court which requests a set number of pro tem hours shall receive a set number of pro-tem hours to be used however it deems necessary with the exception that pro tems shall not be used for jury trials absent specific authorization of the Presiding Judge of the County or his designee.
  - ❖ Courts with 2003 JPC points in excess of 1200 shall receive 240 hours.
  - ❖ Courts with 2003 JPC points in excess of 1000 shall receive 225 hours
  - ❖ Courts with 2003 JPC points in excess of 800 shall receive 200 hours
  - ❖ Courts with 2003 JPC points in excess of 500 shall receive 160 hours
  - ❖ Courts with 2003 JPC points below 500 shall receive 100 hours.

Additionally, the Justices of the Peace may agree to shift up to 20% of their allotted hours to other Justices of the Peace at any time during the calendar year. Hours not used do not carry over to the following year.

Additional hours to cover for pro-longed absences for sickness or disciplinary action may be granted by the Presiding Judge of the Court or his designee.

- 2. Vacation Policy (option 2).** In lieu of a set number of pro tem hours, a court may chose to follow the court policies on vacation as follows:

- a. Judicial officers shall take no more than 23 days of vacation a calendar year with no accrual or carryover of unused vacation days. This policy does not apply to exceptional circumstances such as bereavement or compassionate leave, or military reserve duty covered by federal law. The presiding judge may grant a departure from this policy for good cause.
- b. Judges must attend continuing judicial education programs. Occasionally, judicial officers are asked to take time away from their courts to participate in school-based civic programs, charitable programs and other community events important to the administration of justice. Such activities do not count as vacation time.
- c. Judicial officers shall be given such sick time as their medical condition requires.
- d. All vacation time away from the court shall be scheduled as far in advance as reasonably possible and notice given to the appropriate presiding judges so that appropriate emergency coverage can be planned, obtained and scheduled.
- e. Absence from court for more than one-half day in total shall be considered as vacation time if the absence is for personal reasons.

### **Superior Court Only:**

1. **PRO TEM ASSIGNMENTS.** Trial Court Administration shall assign pro-tem coverage in the order each request is received. However, if pro tems are needed on a last minute basis, the following order shall control:

- ❖ Critical Calendars
- ❖ Juvenile Court Proceedings
- ❖ Criminal proceedings
- ❖ Family Court proceedings
- ❖ Probate proceedings
- ❖ Civil proceedings

To allocate pro tem resources, the Pro Tem Coordinator takes into account the following criteria: availability of a pro tem qualified to handle a specific proceeding, amount of advance notice provided, type of matter, estimated length of time needed.

### **The Trial Courts (Superior and Justice Courts):**

1. **SCHEDULING.** Due to limited pro tem resources, the Trial Courts urge all divisions and each justice of the peace to use pro tem services as efficiently as possible. Pro tem coverage shall be arranged by contacting the Pro Tem Coordinator. Each division or justice of the peace shall provide notice to the Pro Tem Coordinator of his/her pro tem coverage needs as soon as those needs are known but no less than two (2) weeks before the coverage need. More time is preferable and is encouraged. If less than two (2) weeks notice

is provided, the Pro Tem Coordinator will still seek to obtain coverage. However, coverage on short notice is often difficult to obtain and cannot be guaranteed.

2. **REASON FOR PRO TEM USE:** Trial Court administration shall capture requests for pro-tem usage by stated reason in the following categories:

1. Sickness
2. Vacation
3. Calendar Assistance
4. Recusal
5. Training
6. Court related meetings
7. Military Duty

Each division and justice of the peace shall provide the stated reason for pro tem use. All pro tem hours whether paid or unpaid shall count. Each court shall use best practices for scheduling pro tems.

3. **PRO TEM HOURS.** Pro Tems will be required to submit an affidavit regarding the number of hours of service to the Pro Tem Coordinator.
4. **STATISTICAL REPORTS:** Trial Courts Administration shall prepare a monthly report which shall be sent to each judicial officer and justice of the peace and court/departamental manager/administrator listing hours used and available for all Justices of the Peace and hours used by Superior Court Judicial Officers.
5. **LIST OF PRO TEM PREFERENCES.** Judicial Officers and Justices of the Peace may send a list of the pro tems they would prefer to cover their calendars to the Pro Tem Coordinator. Trial Court Administration shall assign pro tems in the following order: 1) Commissioners; 2) Pro tems listed per each court's priority; 3) The general list of Justice of the Peace pro tems. Priority lists for each Justice of the Peace shall be sent to the Pro Tem Coordinator.
5. **PRO TEM COORDINATOR.** The current Pro Tem Coordinator is Kathryn Wallace. She is located in the Old Courthouse, 5<sup>th</sup> Floor. Her phone number is 602-506-6826. Her supervisor is Karen Westover, 602-506-3484.

DATED this 24th day of April, 2004.

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Colin F. Campbell  
Presiding Judge

Original: Clerk of the Superior Court

Copies: Hon. Barbara Mundell, Associate Presiding Judge and Chair of Judge Pro  
Tempore Committee  
Hon. Gerald Porter, Associate Presiding Judge, Limited Jurisdiction  
Courts  
Marcus Reinkensmeyer, Trial Courts Administrator  
Brian Karth, Limited Jurisdiction Courts Administrator  
All Superior Court Judges and Commissioners  
All Maricopa County Justices of the Peace